

RESPONDING TO INVALIDITY AFTER YOU HAVE BEEN SERVED

King County Facilitators: Instruction # I-2
RCW 26.09
King County Local Rules

STEP 1: REVIEW FORMS YOU MAY HAVE BEEN SERVED WITH

Your spouse/partner may have served you with:

- Summons
- Petition for Declaration Concerning Validity
- Case Schedule

If the case involves minor children, your spouse/partner may also have served you with:

- Proposed Parenting Plan
- Information sheet regarding mandatory parenting seminar

Review these forms to see what specific statements you agree or disagree with.

STEP 2: DETERMINE YOUR RESPONSE DEADLINE

If you were personally served in the State of Washington, your deadline to respond is 20 days from the day you were served.

If you were personally served outside of the State of Washington or if the service was by publication, your deadline to respond is 60 days from the day you were personally served or from the first date of publication.

If you were served by mail, your deadline to respond is 90 days from the day the documents were mailed.

IF YOU DO NOT RESPOND BY THE APPROPRIATE DEADLINE, THE COURT MAY ENTER AN ORDER OF DEFAULT AGAINST YOU AND THE PETITIONER MAY RECEIVE EVERYTHING REQUESTED IN THE PETITION.

STEP 3: OBTAIN AND COMPLETE THE RESPONSE FORMS

- Response to Petition, [WPF DR 01.0300 \(Marriage\)](#) or [WPF DR 01.0305 \(Registered Domestic Partnership\)](#)

On this form, fill in the caption area at the top of the page with the parties' names and your case number. In Section 1.1 of the Response, check "admitted", "denied",

or “lacks information” for each line number corresponding to the other party’s petition. On the second page of the Response, you may explain any item you checked as “denied” or “lacks information.” Complete the rest of the form and sign and date the Response.

- [Declaration RE: Service Members Civil Relief Act \(if applicable\) WPF All Cases 01.0200](#)

If the case involves minor children, you must also complete:

- [Parenting Plan \(Proposed\), WPF DR 01.0400](#)
- [Declaration in Support of Parenting Plan \(DCLSP\) WPF DR 04.0120](#)

If you **agree** with **everything** your spouse/partner has requested in the petition, you may complete a [Joinder form \(WPF DRPSCU 01.0330\)](#). You will need to make 2 copies of this form. File the original in the Clerk’s Office. Have your spouse/partner (or his or her attorney) served with a copy. (See Step 5 regarding service.) Keep one copy of this form for yourself.

STEP 4: TALK TO AN ATTORNEY, IF POSSIBLE

These instructions are not a substitute for legal advice. The laws and court rules are complex and following these instructions will **not** guarantee you a favorable result. It is always advisable to talk to a lawyer about your problem before filing your action. If you cannot afford to hire an attorney to represent you, you may be able to pay a lawyer to give you advice and review your paperwork for a lesser cost. Contact the King County Bar Association Lawyer Referral Line for information about limited services representation. If you cannot afford these costs, there are limited free legal services available to low income people. Contact the Facilitators’ office for a “Legal Resource List” or the King County Bar Association Lawyer Referral Line for information about resources for low income people. Even if you do not hire a lawyer to represent you, a lawyer can look over your paperwork; give you advice on how to present your evidence and whether this type of action is right for you.

STEP 5: MAKE COPIES, FILE WITH THE CLERK, AND HAVE YOUR SPOUSE/ PARTNER SERVED

Make 2 copies of your Response (and your proposed Parenting Plan, if applicable). You may need an extra copy for the Prosecuting Attorney. **SEE DIAGRAM.**

Originals	Copy Set #1	Copy Set #2	Copy Set #3
File in Clerk's Office: <ul style="list-style-type: none"> • Response to Petition for Declaration Concerning Validity If applicable: <ul style="list-style-type: none"> • Parenting Plan (Proposed) 	Mail or deliver a copy to your spouse/partner (or the attorney if represented): <ul style="list-style-type: none"> • Response to Petition for Declaration Concerning Validity If applicable: <ul style="list-style-type: none"> • Parenting Plan (Proposed) 	Keep for your records: <ul style="list-style-type: none"> • Response to Petition for Declaration Concerning Validity If applicable: <ul style="list-style-type: none"> • Parenting Plan (Proposed) 	Mail or Deliver to Prosecuting Attorney if child(ren) have <u>ever</u> received public assistance: <ul style="list-style-type: none"> • Response to Petition for Declaration Concerning Validity • Parenting Plan (Proposed)

File the original of your Response with the Clerk's Office and, if applicable, file your proposed Parenting Plan.

Have the petitioner served with one copy of Response, and proposed Parenting Plan if applicable. The Summons tells you that one method of serving your response is to send it by certified mail. If you choose to serve in this manner, you must go to the Post Office and mail your documents to your spouse/partner by certified mail, return receipt requested. If your spouse/partner is represented by an attorney, mail to the attorney instead. You may also have someone other than yourself who is over the age of 18 serve the documents personally. The Server must sign a form called *Return of Service* (WPF DRPSCU 01.0250). If you have someone serve your spouse/partner personally, you must file the Return of Service form with the Clerk's office. See Facilitator Instruction # S-3 for information about service.

Keep one copy of your Response (and your proposed Parenting Plan, if applicable) for your records.

If the children have ever received public assistance, you also need to serve the King County Prosecuting Attorney's Family Support Section with your response documents.

STEP 6: ATTEND MANDATORY CLASSES

Attend the Family Law Orientation (FLO). King County Local Rules require you to attend the Family Law Orientation, if you are not represented by an attorney. The orientation provides information on court processes, court rules, and resources that may help you with your case. All unrepresented parties to Family Law actions must attend this orientation within 30 days of filing or receipt of service.

Attend the *What About the Children Seminar*. If your case involves minor children, King County Local Rules require each party to attend a parenting seminar within 60 days of service of the Petition and prior to the entry of final order in this legal action.

There is a fee to attend these classes and you must register ahead of time. Registration

information is available in the Family Law Facilitator's Office or Family Court Services.

STEP 7: FOLLOW YOUR CASE SCHEDULE

If you disagree with the information in the Petition for Declaration Concerning Validity, file the Response form. You will have a trial in approximately 11 months. Follow the Case Schedule you were served with. If you did not receive a Case Schedule from your spouse/partner, you can make a copy of it from your file in the Clerk's Office.

FACILITATORS CANNOT ASSIST YOU WITH TRIAL PREPARATION BUT THEY MAY BE ABLE TO REFER YOU TO OTHER LEGAL RESOURCES.

If you and your spouse/partner are able to reach an agreement on all the issues in your invalidity action at any time before your trial, you can finalize your invalidity action in the Ex Parte courtroom and avoid a trial. You must schedule a hearing in Ex Parte with a Note for Motion Docket form. Make sure you get the correct Note for Motion, for either Kent or Seattle. Choose a hearing date that will be at least 14 days from the day you will file the Note for Motion Docket. You may choose any weekday that is not a court holiday. Your hearing will be at 1:30 p.m. Fill in the date and day of the week for your hearing. The Nature of Motion will be "Agreed Invalidity action." Locate the box entitled Ex Parte Motions and check the boxes that say "Final Decree" and "No Attorney." Complete the section that asks for your signature, name, and address. File this form with the Clerk's office at least 14 days before the day you have scheduled for your hearing. When you go to your hearing, bring the **completed** originals of the following forms:

- [Findings of Fact/Conclusions of Law WPF DR 04.0300 \(Marriage\) or WPF DR 04.0305 \(Registered Domestic Partnership\)](#)
- [Declaration Concerning Validity WPF DR 04.0400 \(Marriage\) or WPF DR 04.0405 \(Registered Domestic Partnership\)](#)

If the case involves minor children, you must also bring the originals of the following:

- [Order of Child Support WPF DR 01.0500](#)
- [Child Support Worksheet WSCSS – Worksheets \(Marriage\) or WSCSS – Worksheets RDP \(Registered Domestic Partnership\)](#)
- [Parenting Plan WPF DR 01.0400](#)

Make sure both parties have signed all of the final documents. Your final hearing will be in the Ex Parte Department.

Until you have your trial or settle your case, either you or the other party may schedule temporary order hearings. Ask a Facilitator for Instruction #F-4 (Motion for Temporary Order) or #E-1 (Motion for Ex Parte Restraining Orders) if you want to schedule a hearing on an issue such as temporary child support, restraining orders, parenting plan, or maintenance (alimony).

WARNING: These instructions are not a substitute for legal advice. The laws and court rules are complex and following these instructions will not guarantee you a favorable result. It is always advisable to talk to a lawyer about your problem before filing your action. (You may be able to hire a lawyer for a small fee to review your completed forms and talk about your problem but not represent you in court). If you need a lawyer, contact the Family Law Facilitators' Office for a *Resource List* or call the King County Bar Association.